

California Council for Environmental and Economic Balance

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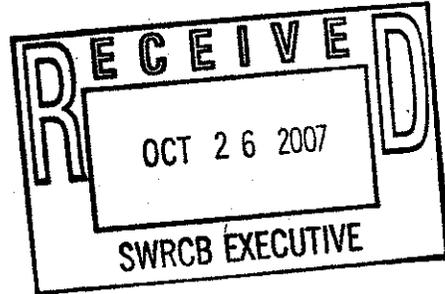
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October 26, 2007

Ms. Jeanie Townsend
Acting Clerk to the Board
Executive Office
State Water Resources Control Board
P.O Box 100
Sacramento, CA 95812-0100



RE: CCEEB's Comments on the Proposed Water Recycling Policy

Dear Ms. Townsend:

The California Council for Environmental and Economic Balance (CCEEB) is a non-partisan, non-profit organization of business, labor and community leaders that seeks to achieve the State's environmental goals in a manner consistent with a sound economy. On behalf of CCEEB we would like to thank you for this opportunity to comment on the proposed Water Recycling Policy. CCEEB understands the importance of creating an effective water policy that will address our limited water supply and help safeguard water quality.

The proposed Policy is intended to guarantee compliance with the State's Anti-Degradation Policy and ensure that recycled water projects can meet a set of statewide uniform standards. The proposed policy only applies to two types of projects: groundwater recharge/reuse and recycled water irrigation.

CCEEB believes in the important principals and objectives and appreciates the board's efforts to enunciate the water recycling policy. However, we do have some concerns we would like to bring to your attention.

The proposed Policy would allow the Regional Water Board to establish or create MCLs that are different than those set forth by the Department of Public Health (DPH). MCLs should be established by DPH and the Regional Water Board should defer to those MCLs. Establishing standards for recycled water to protect public health is a task for DPH. The Regional Water Board should neither set MCLs nor supersede MCLs established by the DPH. Page 5, resolution paragraph 10 and 11, should be rewritten to designate the Department of Public Health as the lead entity to establish MCLs for protection of public health.

Pertinent to recycled water irrigation projects, the Policy determines that nutrient management plans, water budgets and limits on how much the recycled water's salinity can exceed the source water salinity (300 mg/l) in order to meet SWRCB's Anti-Degradation Policy requirement for best available control technology. The 300mg/l TDS limit may not be routinely attainable. There is no evidence in the Staff Report, and no supporting documentation is cited, that indicates the basis for the 300 mg/l TDS. In many cases a less stringent limit could be just as protective of water quality. Moreover, the limitation on salinity increases in recycled water should not apply where the salinity of recycled water does not exceed the salinity water quality objective established in a basin plan for the receiving groundwater basin.

In addition, the Policy casts a broad net, which covers everything from a small nursery, to irrigation of landscaping at a corporate headquarters, to a large-scale agricultural operation. It appears that the proposed policy may place an unnecessary burden on small business owners. To be more effective, the proposed Policy should include greater specificity so that those entities creating the greatest risk to basin water quality are the ones that the policy has the most effect on.

Also, according to the State Board staff, the Policy is not intended to apply to the use of oilfield-produced water for irrigation purposes. There is some language in the draft that supports this implementation (Paragraph 7(d)), however the policy as a whole is unclear on this point and the Staff Report does not address this issue. CCEEB recommends that the State Board clarify its intent by revising the Policy to exclude oilfield-produced water.

In addition, it seems that the Staff Report's "environmental checklist" fails to comply with the California Environmental Quality Act (CEQA). The checklist defers implementation actions to later project-level analysis by the Regional Boards. Implementations of more stringent TDS limitations would have the reasonably foreseeable effect of deterring existing water recycling programs, necessarily increasing the use of other water supplies to meet irrigation needs. There is a demand for California's limited water resources and reliance on these limited resources would have significant impacts with regard to the water supply utilities, agricultural resources, water quality and biological resources. The checklist fails to address any of these impacts. By acknowledging only impacts related to increased water recycling and ignoring the impacts related to decreasing recycling as the result of the Policy's new restrictions, the checklist fails to address foreseeable environmental consequences as required by CEQA.

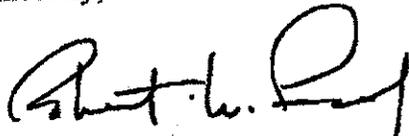
We offer the following additional suggestions:

Page 1, Finding 6, This statement is an overbroad characterization of the extent to which salts in water applied for irrigation percolate into groundwater tables. The actual extent varies on a case-by-case basis and is based upon a variety of factors, including the depth to groundwater and the nature of the soils in question.

Also in Finding 13, the statement "irrigation projects using recycled water generally pose a threat to water quality similar to irrigation projects using surface or groundwater" should be restated to say "irrigation projects using recycled water generally pose no greater threat to water quality than projects using surface or groundwater."

Thank you for your considerations of these comments. If you have any questions please give me a call at 916-444-7337.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert W. Lucas". The signature is written in a cursive style with a large, prominent initial "R".

Robert W. Lucas

cc: Chair and Members of the State Water Resources Control Board
Gerald Secundy, President, CCEEB
Jackson Gualco, The Gualco Group, Inc.